

Appl. No. : 09/625,049
Filed : July 24, 2000

E₂ WinMDI-software (multiple document interface and Flow cytometry applications, version 2.1.3,
TSRI.

REMARKS

Amendments were made to overcome objections to the specification. No new matter is added herewith. Changes to the specification can be seen on a separate page following the signature page entitled VERSION WITH MARKINGS TO SHOW CHANGES MADE. Insertions are underlined and deletions are in **[bold and brackets]**.

Corrected Drawings

Applicant files herewith corrected Figures 1-9 as required by the Examiner.

Objections to Specification

The disclosure was objected to for containing an embedded hyperlink and/or other form of browser-executable code, specifically at page 28, line 12. Applicant has amended the specification to omit this hyperlink.

Examiner requested an update to the priority statement on page 1, line 1. Applicants have amended the specification in accordance with the Examiner's suggestions. Applicants respectfully request withdrawal of the objections to the specification.

Priority Documents

Applicant provides herewith a certified copy of EP 98200193.5 as required by 35 U.S.C. 119(b).

Claim Rejections Under 35 U.S.C. 103(a)

Claims 43-44, 46-49, 61-62, and 64-66 were rejected under 35 U.S.C. 103(a) as being unpatentable over Carter in view of Chester, as cited by the Examiner. Carter describes the use of Fab containing one cysteinyl residue at the C-terminus of the light chain CH1 region or the heavy chain CL region in prokaryotes (column 5, first paragraph). This cysteinyl residue is used to couple a molecule chemically to the Fab fragment. Carter does not disclose or suggest making heterodimers comprising two or more other molecules having at least one further purpose

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coupled to two or more of the domains of the heterodimer. Carter teaches use of either the light chain CL region or the heavy chain CH1 region of the Fab fragment to obtain a Fab fragment containing only one additional molecule. Thus there is no motivation given by Carter to consider attaching two or more molecules to a Fab fragment. Moreover, Carter does not enable attaching two molecules.

Chester shows a Fab with a fused toxin or enzyme on the CL of the light chain (Figure 1). As with Carter, this reference provides no motivation or suggestion to fuse two or more molecules to the Fab on both the heavy and light chain. Thus, Applicants assert that the combination of Carter and Chester would not provide sufficient motivation and teaching to one of skill in the art to make the presently claimed invention. Applicants respectfully request withdrawal of the claim rejection on this basis.

Claims 43-50 and 61-66 were rejected under 35 U.S.C. 103(a) as being unpatentable over Carter in view of Muller and Tutt, as cited by the Examiner. In regard to Muller et al., Applicants provide herewith a copy of a page from the following website : www.elsevier.com/febs/86/16/show/toc.htm. Applicants indicate that the publication date of Muller et al. according to this website was January 30, 1998. Applicants claim priority to an application filed prior to the publication of this reference. Thus, Applicants assert that Muller et al. was not part of the state of the art at the time of filing and should not be considered prior art in regard to the present application. Applicants will provide a copy of the Febs Letters issue indicating the disclosure date of January 31, 1998, if required, at the Examiner's request. Applicants respectfully request withdrawal of the claim rejections on this basis, in light of the foregoing remarks.

Conclusion

In light of the foregoing amendments and remarks, Applicants respectfully request withdrawal of the objections and rejections to the present application. Should any issues arise which may delay prosecution of the present application the Examiner is respectfully invited to contact the under-signed agent at the telephone number below.

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Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

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Dated: August 22, 2002

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

Insertions are underlined and deletions are in **[bold and brackets]**.

IN THE SPECIFICATION:

On page 1, line 1, please insert the following paragraph following the Title of the Invention:

This is a continuation of International Application PCT/EP99/00477, with an international filing date of January 23, 1998, published in English under PCT Article 21(2) and now abandoned.

On page 28, line 7, please amend the paragraph beginning "Green fluorescence intensity..." as follows:

Green fluorescence intensity was measured for the living cell population, which was constantly kept at 4°C. Presentations of the resulting histograms were processed with the WinMDI-software (multiple document interface and Flow cytometry applications, version 2.1.3, TSRI[, <http://facs.scripps.edu/software.html>]).